

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-12462

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 29, 2008 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 05-00031-CV-1-LGW

GIA HEGRE,

Plaintiff-Appellant,

versus

ALBERTO-CULVER USA, INC.,
d.b.a. Beauty Systems Group, Inc.,
d.b.a. Macon Beauty Systems,
d.b.a. Sally Beauty Company,

Defendant-Appellee,

STEVE NORRIS,

Defendant.

Appeal from the United States District Court
for the Southern District of Georgia

(April 29, 2008)

Before EDMONDSON, Chief Judge, BLACK and FARRIS*, Circuit Judges.

PER CURIAM:

Gia Hegre appeals the district court's grant of summary judgment in favor of her employer, Beauty Systems Group (BSG), on her interference and retaliation claims brought under the Family and Medical Leave Act (FMLA). We have carefully reviewed the record and the district court's opinion, and after considering oral arguments, we affirm the judgment.

The district court did not err in concluding Hegre was an ineligible employee under the FMLA and in granting summary judgment on that ground. Hegre's equitable estoppel argument, raised for the first time on appeal, does not change this conclusion.

AFFIRMED.

*Honorable Jerome Farris, United States Circuit Judge for the Ninth Circuit, sitting by designation.